

O - Send

1
2
3
4
5
6
7

FILED CLERK, U.S. DISTRICT COURT
JUL 25 2008
CENTRAL DISTRICT OF CALIFORNIA BY DEPUTY

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA

11 Plaintiff,

12 vs.

13 *David Ferriguez*

14 Defendant.

15 } CASE NO. 08-985-M
16 } ORDER OF DETENTION

17 I

18 A. On motion of the Government in a case allegedly involving:
19 1. a crime of violence.
20 2. an offense with maximum sentence of life imprisonment or
21 death.
22 3. a narcotics or controlled substance offense with maximum
23 sentence of ten or more years.
24 4. any felony - where defendant convicted of two or more prior
25 offenses described above.
26 5. any felony that is not otherwise a crime of violence that
27 involves a minor victim, or possession or use of a firearm or destructive
28 device or any other dangerous weapon, or a failure to register under 18

1 U.S.C. § 2250.

2 B. On motion by the Government/ on Court's own motion, in a case
3 allegedly involving:

4 On the further allegation by the Government of:

5 1. a serious risk that the defendant will flee.

6 2. a serious risk that the defendant will:

7 a. obstruct or attempt to obstruct justice.

8 b. threaten, injure or intimidate a prospective witness or
9 juror, or attempt to do so.

10 C. The Government is/ is not entitled to a rebuttable presumption that no
11 condition or combination of conditions will reasonably assure the defendant's
12 appearance as required and the safety of any person or the community.

13 II

14 A. The Court finds that no condition or combination of conditions will
15 reasonably assure:

16 1. the appearance of the defendant as required.

17 and/or

18 2. the safety of any person or the community.

19 B. The Court finds that the defendant has not rebutted by sufficient
20 evidence to the contrary the presumption provided by statute.

21 III

22 The Court has considered:

23 A. the nature and circumstances of the offense(s) charged, including whether the
24 offense is a crime of violence, a Federal crime of terrorism, or involves a minor
25 victim or a controlled substance, firearm, explosive, or destructive device;

26 B. the weight of evidence against the defendant;

27 C. the history and characteristics of the defendant; and

28 D. the nature and seriousness of the danger to any person or the community.

1 IV
2

3 The Court also has considered all the evidence adduced at the hearing and the
4 arguments and/or statements of counsel, and the Pretrial Services Report/recommendation.

5 V
6

7 The Court bases the foregoing finding(s) on the following:

8 A. As to flight risk:

9 prior deportation
10 use of aliases
11 history of substance abuse
12 illegal status
13 prior parole violation

14 B. As to danger:

15 prior criminal history
16
17
18
19
20

21 VI
22

23 A. The Court finds that a serious risk exists the defendant will:

24 1. obstruct or attempt to obstruct justice.
2. attempt to/ threaten, injure or intimidate a witness or juror.

25 B. The Court bases the foregoing finding(s) on the following:

1 VI
2

3 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
4 B. IT IS FURTHER ORDERED that the defendant be committed to the custody
5 of the Attorney General for confinement in a corrections facility separate, to the
6 extent practicable, from persons awaiting or serving sentences or being held in
7 custody pending appeal.
8 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
9 opportunity for private consultation with counsel.
10 D. IT IS FURTHER ORDERED that, on order of a Court of the United States
11 or on request of any attorney for the Government, the person in charge of the corrections
12 facility in which defendant is confined deliver the defendant to a United States marshal
13 for the purpose of an appearance in connection with a court proceeding.

14 DATED: 7/25/08



15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28